

MINUTES OF THE VAN WERT CITY COUNCIL

June 24, 2024

Council President Thad Eikenbary called the meeting to order at 6:30 p.m.

Pastor Jim Burns from Liberty Baptist Church gave the invocation.

On call of the roll: Ringwald, Kallas, Bowers, Agler, Moore and Marshall were present.

Kallas made a motion to excuse Dettrow from the meeting. Bowers seconded; all concurred.

Agler made a motion to approve the Consent Agenda. Kallas seconded; all concurred.

ADMINISTRATIVE REPORTS

MAYOR: The mayor wanted to mention the three new officers hired this week, some who went through the Vantage Police Academy under the city's sponsorship. One officer listed was able to be added thanks to the ordinance on civil service rules that just passed on age limits. A practice in Van Wert for some time, has been to introduce new officers to dispatch before they are on the road and the mayor thinks this procedure is very beneficial and is working well.

SAFETY SERVICE DIRECTOR: Fleming reported Leeson Ave does not have much activity this week and next while waiting on water fittings to arrive. The sanitary work is done and so is about 90% of the storm work; around 4th of July water services will continue.

For 27 years the city has been leasing land in vision park to American Tower, a cell phone tower. Our lease is up in 2 years and they have asked to renegotiate the lease; the lease has an escalator stating the price of lease will go up 20% each five year term. American Tower proposed, since industry has changed a bit to change the leasing terms. Fleming would like an ordinance passed to allow either himself or the Mayor to sign off on renewing the lease at 15% instead of 20% as per usually. This pulls in about \$53k/year.

Lastly, A flood inundation study needs done at the reservoir along with an emergency action plan. ODNR requires us to identify what happens if there is a breach of the levy in one or both of the reservoirs causing catastrophic events. They want to know how the town will be affected by influx of water/flood and how the flow of water goes through the city starting South of the City via Town Creek measuring elevation levels and other factors that may affect this. This research may cost around to \$90,000.00. The safety service director is requesting a \$100,000 supplemental appropriation. He will be asking the auditor to present this to council at next meeting as he will be absent from the meeting.

AUDITOR: The auditor stated she is in the middle of the city audit. Greg Reimisch has been requesting a risk assessment via email to council members that is required. If this is not complete, the auditor will get a "finding for recovery" on her audit. She shared that Reimisch is willing to do the assessment over the phone if members are not able to do that online.

Sunshine Law training needs to be completed and a certificate needs to be provided to the auditor for her audit as well.

LAW DIRECTOR: The Law Director reports Ordinance 24-06-035 has a proposed an amendment to add verbiage that was dropped out somewhere during drafting. The verbiage includes the square footage verbiage as originally planned.

There was discussion whether or not marijuana dispensaries could be placed on the November ballot, in the Law Director's opinion, it is not possible to place this on the ballot because the underlying legislation does not call for it to be on the ballot. For an issue to be placed on a local ballot, there needs to be an enabling section in legislation to allow for this. 3780 and 3796 of the revised code do not call for this enabling section. The mayor wanted to confirm with the board of elections that this would be accurate, we are still waiting to hear back from them.

Assistant Prosecutor Dillon Staas was introduced to speak on ordinance 24-06-037 & 24-06-038; Staas processes all delinquency and unruly cases in the city of Van Wert. 5 years ago, the age of tobacco use was raised from 18 years old to 21 years old. Prior to the law passing, there was specific legislation that dictated how to punish offenders. The same applies to the law on using cannabis in the Ohio Revised Code. There is now a "gap" in legislation when they moved the age where minors who break the law, do not have any level of offense or penalty for their actions because it was omitted from the legislation. Staas proposes that an ordinance be prepared to provide a 4th degree misdemeanor for adults who commit the crime. Minors would receive a "delinquency". This will allow the schools and the police department to actually hold juveniles accountable rather than just confiscating contraband. It is not realistic to site every single student for every offense, so Staas has worked with the schools to put a written policy and procedure in place as such: 1st offense is confiscation, 2nd offense is in-school suspension and 3rd offense is a referral to the juvenile court system. This finally allows the schools and law enforcement to do something about the exposure of minors to this.

COMMENTS, COMMUNICATIONS & PETITIONS: None. Ryck Morales was listed on the Agenda, but he was not present.

COMMITTEE REPORTS

FINANCE: No report.

STREETS AND ALLEYS: Kallas made a motion to untable ordinance 24-04-021. Agler seconded. All concurred. Kallas made a motion to suspend statutory rules. Bowers seconded. All concurred. Kallas made a motion to pass Ordinance 24-04-021 on it's second and final reading. Agler seconded. All concurred. Bowers made a motion to revote on Ordinance 24-04-021. Moore seconded. Ringwald, Kallas, and Marshall voted yes. Agler voted no. Kallas made a motion to pass Ordinance 24-04-021 on it's second and final reading. Bowers seconded. Ringwald, Kallas, Agler, and Marshall voted yes. Bowers and Moore voted no. Ordinance fails.

JUDICIARY AND ANNEXATION: No report. The law director mentioned to the council it has been a topic in multiple meetings in the last 12 months to change the way the city's process

for public notification. Hatcher directed the council to look at house bill 33 which went into effect July of 2023 that allows municipalities to change the way they notify the public from print notification to digital notification. One of the main reasons for this change is the expense of submitting this to the newspaper. Bowers made a motion to prepare an ordinance to change the city of Van Wert's publication process. Moore seconded; all concurred.

Bowers made a motion to prepare an ordinance banning the purchase, possession, transportation or use of cannabis by anyone under the age of 21 as an emergency. Ringwald seconded; all concurred. Bowers made a motion to introduce Ordinance Number 24-06-037. Kallas seconded; all concurred.

Bowers made a motion to prepare an ordinance banning the purchase, possession or consumption of tobacco products including alternative nicotine products, electronic smoking devices and corresponding vapor products in the city of Van Wert as an emergency. Agler seconded; all concurred. Bowers made a motion to introduce Ordinance Number 24-06-038. Agler seconded; all concurred.

Bowers made a motion to prepare an ordinance to allow the Law Director to move his office from the Municipal Building to the Municipal Court Building by amending Ordinance 31.04(C) of the Van Wert Code of Ordinances as an emergency. Moore seconded; all concurred. Bowers made a motion to introduce Ordinance Number 24-06-039. Moore seconded; all concurred. Bowers made a motion to suspend statutory rules. Ringwald seconded; all concurred. Bowers made a motion to pass, as an emergency, ORDINANCE Number: 24-06-039; AN ORDINANCE TO AMEND VAN WERT CITY ORDINANCE 31.04(C) OF THE VAN WERT CODE OF ORDINANCES AND DECLARING AN EMERGENCY. Kallas seconded; all concurred. Ordinance passed.

PROPERTIES AND EQUIPMENT: No report.

PARKS AND RECREATION: Not present.

HEALTH, SERVICE AND SAFETY: No report.

ECONOMIC DEVELOPMENT: No report.

QUESTIONS/COMMENTS FROM COUNCIL and PUBLIC:

Robert Wilson, Scott OH, reiterates his opinion to be for medicinal marijuana and encourages council members to keep an open mind to the facts that are presented on the benefits of medicinal marijuana. Kallas thinks we all may be blurring lines between medical and recreational. He wants everyone to clarify what they are advocating for when speaking. The law director provides clarification on the ordinances being presented tonight.

Brad Custis, Maxine Ln. wants to hear councils input on recreational use and why the change of heart from when the council originally banned this issue and the city voted no against the issue and their opinion of recreation use of marijuana. Kallas was first to speak and answered Custises

first question by stating the change of heart came from a change of council; there was a complete change of council from 2017 with the ban and now with the rescinding of the ban. He answered Mr. Custis' other question by stating he would vote yes for medical; he thinks everyone should have a right to treat their medical needs, but he would vote no for recreational.

The mayor suggests council clarify the issue at hand be specific to medicinal marijuana.

Marshall made a motion to amend Ordinance Number 24-05-029 to add language specifying the city would allow the placement of a medicinal marijuana dispensary in the city of Van Wert in a B(3) zone. Kallas seconded; Ringwald, Kallas, Moore and Marshall voted yes; Bowers and Agler voted no.

The mayor then reminded council that because both Ordinance Number 24-05-028 and Ordinance Number 24-05-029 address medicinal marijuana specifically, it leaves a gap in legislation about recreational; therefore he suggests to council that an ordinance also be prepared to bridge that legislation gap.

Agler thinks allowing a dispensary in town will create a black market and enable school age students to buy cannabis. Ringwald answered the question Brad Custis asked by stating she was for medicinal marijuana stating we shouldn't stand in the way of people with medical needs, but in her terms "slow play" on recreational to see how it would go. Moore is a "yes" for medicinal because she would want the choice between medicinal marijuana or prescription drugs. Moore opted out of an opinion on recreational since that is not being addressed with ordinances tonight. The law director clarified that if council would not put a ban on placement of an adult use dispensary before a medicinal marijuana dispensary was placed in town, a business owner of a medicinal dispensary could use provision of law to appeal a declined decision for recreational use by obtaining 100 votes from members of the city, and then put it on a city ballot for the city to vote to allow the business to conduct adult use sales.

Mark Davis, 402 S. Tyler St., reiterates council needs to be intentional on what council is banning and leaving gaps in ordinances. He states council should make initiative to address both recreational and medical dispensaries to avoid gaps. Davis also expresses concerns about council going all digital. He also expresses concerns of the public not being aware of public meetings because he wants additional time for the council to notify public with a suggested time frame of 48-72 hours in advance. He was reminded that there is a rule in place that makes sure public is aware of meeting via the website within designated time frame. Later in the meeting, Mr. Davis asks law director to clarify when ordinances become effective. The law director clarifies ordinances passing after 3 readings go into effect after 30 days. Ordinances prepared as an emergency go into effect immediately.

Aaron McGranahan, 1172 Nannette Ln., concerns on "open door" because council has yet to address banning recreational specifically. Kallas interjected McGranahan to make a motion as follows.

Kallas made a motion to prepare an ordinance banning adult use/recreational dispensaries in the city of Van Wert prepared as an emergency. Bowers seconded; Ringwald, Kallas, Bowers, Moore, & Marshall voted yes. Agler voted no.

Bowers made a motion to Table Ordinance Number 24-05-028. Kallas seconded; all concurred. Bowers made a motion to Table Ordinance Number 24-05-029. Moore seconded; all concurred.

Jim Burns, 10471 Hickory Ln., Apt 10, asked for council to summarize the last 3 motions made. The law director clarified why tabling the last 2 ordinances is for council to be able to vote on all 3 ordinances at one meeting for timing sake, or so there is no lapse in allowing medicinal and disallowing recreational.

Linda Hartman, 1220 E. Ervin Rd. asks about a medicinal owner being able to find a way around the recreational ban. The law director encourages the public to research 37.80.25 Section B(3) and C that addresses this issue specifically. Hartman wants the council to share why it sounds logical to have a dispensary in town when first, there is one as close as Delphos and second, the County Sheriff is publicly against having the dispensary. Kallas answers by giving examples of stores in Van Wert that are also available in Delphos (Pharmacy, Pizza Hut, etc.) for convenience. Lastly, Hartman shares concerns that with a dispensary available, it will expend our law enforcement and hospital resources dealing with these issues instead of non related issues in the city.

Matt McGovern, 1031 Fairfield Dr., asking for demand statistics for need of Medicinal Dispensaries; asking if there would be a need since there is one as close as Delphos.

Kay Bevington, 1112 Champaign Dr. shared that she thinks the level of voters who did not know about the marijuana vote on the previous ballot for the city was an equal amount of “for” and “against”.

Bowers shares she goes as far as Lima or Fort Wayne for some needs that she has. Ringwald interjects saying that is a retailer’s choice and the city is currently stopping a retailer from setting up in our town.

Moore makes a point that some disabled may not have the means to get to a dispensary in Delphos and the safety and travel becomes less of an issue if the dispensary is closer.

Joe Jared, 113 W. Main St., shares that responsibility lies in our parenting to our children and not that of the city to take care of by banning everything.

Bill Watson, 526 S. Race St., shares he came from the city of Detroit and he watched it disintegrate due to drugs. Watson started helping, along with his wife and another couple, helping people to recover from drugs. Bringing a dispensary to town is senseless and sinful; he reiterates his Christianity is strong and he wants his family to grow in a Christian community. Watson mentions effects on our community such as the work force where people will be less than desirable to employ due to people who would rather be high than be at work. Mr. Watson agrees that Delphos is a close enough dispensary to fulfill people’s medical needs.

Wayne Taylor, 1104 Founder's Circle, expresses concerns on the ordinance references cottage homes. Taylor comes with a real estate background with multiple state licensure to perform transactions. Taylor recognizes and agrees there is a need for more rental properties in Van Wert. He expresses concerns on variances being presented including multiple homes on one lot, high rental on these small homes causing a rental increase on standard homes, and reduces availability of housing for homeownership because a lot with 2 houses is less desirable for homeownership and will continue to be rentals or split the lot. Lastly, these "tiny houses" may effect real estate value.

UNFINISHED BUSINESS:

Swimming Pool - no update.

NEW BUSINESS:

Kallas made a motion to prepare an ordinance to allow the Safety Service Director or Mayor to sign an agreement with American Tower to amend their lease and allowing the price increase of the lease to increase by 15% instead of the originally agreed upon 20%. Agler seconded; all concurred.

RESOLUTIONS & ORDINANCES:

Kallas made a motion to amend ORDINANCE Number 24-06-035 to add language on permitted and conditional uses and floor area requirements. Agler seconded; all concurred. Second Reading Advisory for Amended ORDINANCE Number: 24-06-035; AN ORDINANCE TO AMEND CHAPTER 150: ZONING BY ADDING SECTION 150.03 DEFINITIONS, SECTION 150.15 PERMITTED AND CONDITIONAL USES AND SECTION 150.21 FLOOR AREA REQUIREMENTS OF THE VAN WERT CITY CODE OF ORDINANCES as amended. All concurred.

First Reading Advisory for ORDINANCE Number: 24-06-037; AN ORDINANCE BANNING THE PURCHASE, POSSESSION, TRANSPORTATION OR USE OF CANNABIS BY PERSONS UNDER THE AGE OF TWENTY-ONE YEARS AS AN EMERGENCY. All concurred.

First Reading Advisory for ORDINANCE Number: 24-06-038; AN ORDINANCE BANNING THE PURCHASE, POSSESSING, OR CONSUMING TOBACCO PRODUCTS INCLUDING ALTERNATIVE NICOTINE PRODUCTS, ELECTRONIC SMOKING DEVICES AND CORRESPONDING VAPOR PRODUCTS IN THE CITY OF VAN WERT AS AN EMERGENCY. All concurred.

Agler made a motion to adjourn at 8:34 p.m. Kallas seconded; all concurred.



Clerk of Council
Stephanie R. Phillips



President Pro Tempore
Judy Bowers

June 24, 2024
DATE

RESIDENTIAL REAL ESTATE EXPERIENCE OF WAYNE TAYLOR 1104 FOUNDERS CIRCLE VAN WERT

CELL# 269-929-7986

I PURCHASED MY FIRST RESIDENTIAL RENTAL (A DUPLEX IN 1970). IN THE 1980'S - 1990'S I OWNED & MANAGED 110 RENTAL UNITS IN THE KALAMAZOO, MICHIGAN AREA. (INCLUDING 20 ONE BEDROOM CONDOS, A 24, TWO 12'S, & ONE 8 unit APARTMENT BUILDINGS, SEVERAL DUPLEXES & A NUMBER OF SINGLE FAMILY HOMES.

I'VE ALSO OWNED 30 SINGLE FAMILY RENTAL HOMES IN FLORIDA
CREATED 3 SUBDIVISIONS & VARIOUS LAND SPLITS OVER THE YEARS.

HAVE ALSO OWNED RENTAL HOMES IN INDIANA & OHIO.

I WAS A LICENSED REAL ESTATE BROKER IN BOTH MICHIGAN & FLORIDA (NEVER LISTED OR SOLD PROPERTIES FOR ANYONE ELSE)

I HAVE ASSISTED OVER 35 FAMILIES PURCHASE THEIR FIRST HOME BY PROVIDING THEM WITH MY OWN SELLER FINANCING.

I'VE HAD A TOTAL OF 355 REAL ESTATE TRANSACTIONS. I SOLD MY LAST RENTAL PROPERTY IN LIMA, OHIO 4/30/24 ON A LAND CONTRACT TO ANOTHER INVESTOR. I AM NOW RETIRED AT 77.

CONCERNS TO CONSIDER RELATED TO REDUCING SQUARE FOOTAGE SIZE WITH
THE GOAL OF PROVIDING MORE AFFORDABLE RENTAL HOUSING

1. BY ALLOWING SMALLER SQUARE FEET FOOTPRINTS ON A LOT IT ENCOURAGES REQUESTS FOR VARIANCES TO PLACE TWO COTTAGE HOUSES NOW OR A GREATER NUMBER OF FUTURE TINY HOUSES ON ONE LOT.

2. CURRENTLY THERE IS NO REQUIREMENT FOR EVEN A STORAGE SHED OR A GARAGE WHICH CAN EASILY TURN LOTS INTO MINI COTTAGE "TRAILER" PARKS.

3. BECAUSE THEY ARE NEWLY BUILT OR FRESHLY REHABBED GARAGES THEY ARE INITIALLY APPEALING & COULD COMMAND A HIGHER RENT THAN AN OLDER DUPLEX (EVEN WITH GARAGES) EXAMPLES BEING: WEST-PARK VILLAS, 2 BED DUPLEXES WITH A GARAGE CURRENTLY RENT FOR \$900. MANY DUPLEXES W/O GARAGES NOW RENT FOR \$700-800. I BELIEVE THE 2 BED COTTAGE HOUSES ARE EXPECTED TO RENT FOR \$1000.

POSSIBLE CONSEQUENCES

1. ACCELERATED AVERAGE RENT INCREASES OF EXITING RENTAL UNITS.

2. REDUCE THE AVAILABILITY OF HOUSING FOR HOME OWNERSHIP

3. ADVERSELY AFFECT PROPERTY VALUES OF NEWER NEIGHBORHOODS IN CLOSE PROXIMITY TO MULTI-HOUSE LOTS.

THE REAL ESTATE EXPERIENCE OF WAYNE TAYLOR ON THE FUTURE OF REAL ESTATE

Wayne Taylor, a real estate professional with over 30 years of experience, shares his insights on the future of the industry. He discusses the impact of technology, the changing demographics of the housing market, and the importance of providing exceptional customer service. Taylor emphasizes that success in real estate is not just about finding properties, but about building long-term relationships with clients.

As the market evolves, Taylor predicts that there will be a shift towards more personalized and data-driven real estate services. He notes that while traditional methods like open houses and newspaper ads are still used, they are being supplemented by digital marketing strategies such as social media and targeted email campaigns. Taylor also highlights the growing importance of virtual tours and online listings in the homebuying process.

Furthermore, Taylor discusses the challenges of a changing housing market, including the impact of economic factors and the need for agents to stay informed about local market trends. He suggests that agents should focus on becoming experts in their specific geographic areas and offer valuable advice to their clients. Taylor concludes by stating that the future of real estate is bright, but it requires a commitment to continuous learning and a dedication to serving the community.

In addition, Taylor touches upon the importance of ethical practices in the industry. He stresses that transparency and honesty are key to building trust with clients. He encourages agents to always act in the best interest of their clients and to provide clear communication throughout the entire transaction process.

Taylor also addresses the role of technology in real estate, noting that while it is a powerful tool, it should be used to enhance the human element of the industry rather than replace it. He believes that the most successful agents will be those who can effectively combine their traditional skills with modern technology. Finally, Taylor offers some advice for aspiring real estate professionals, emphasizing the importance of hard work, persistence, and a genuine passion for helping others find their dream homes.

CONCLUSION

In conclusion, Wayne Taylor's extensive experience in the real estate industry provides a valuable perspective on the future of the profession. He identifies key trends and challenges that will shape the market in the years ahead. By staying informed, embracing technology, and maintaining a strong commitment to ethical practices and exceptional customer service, real estate professionals can thrive in a constantly evolving industry. Taylor's insights serve as a guide for both current and future agents looking to succeed in their careers.